

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CHRISTINE ETCITYY,

Plaintiff,

v.

CV No. 18-1148 CG

ANDREW SAUL,
Commissioner of the Social Security
Administration,

Defendant.

**ORDER GRANTING STIPULATION TO AWARD ATTORNEY FEES
UNDER THE EQUAL ACCESS TO JUSTICE ACT**

THIS MATTER is before the Court on Plaintiff Christine Etcitty's *Opposed Motion for Attorney Fees Pursuant to the Equal Access to Justice Act, with Memorandum in Support* (the "Motion"), (Doc. 25), filed October 28, 2019, in which the parties agree to an award of \$5,914.00 in attorney fees.¹

IT IS THEREFORE ORDERED that Plaintiff be awarded \$5,914.00 in attorney fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d). See *Astrue v. Ratliff*, 560 U.S. 586, 591-93 (2010) (providing EAJA fees are paid to the prevailing party, not the attorney).

IT IS FURTHER ORDERED that if Plaintiff's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b), Section 206(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).



THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE

1. The Court notes that while the title of Plaintiff's Motion indicates the Motion is opposed, the body of the text states the parties have stipulated to the requested payment award and the Motion was approved by Defendant's counsel.